

ISIDRO ZARAATE VALENTE,)	
)	
Petitioner,)	
)	
v.)	1:16CV981
)	
FRANK L. PERRY,)	
)	
Respondent.)	

As for the motion to supplement (ECF No. 14), the court will grant Petitioner permission to supplement this proceeding with additional argumentation. Petitioner frames his supplementation as a new claim of ineffective assistance of counsel. (ECF No. 14.) Nevertheless, the supplementation addresses issues previously raised by Petitioner in this matter, which were then analyzed and rejected by the Magistrate Judge. In any event, regardless of whether Petitioner's supplementation is construed as a new claim or simply as additional argumentation developing the scope of his prior grounds for relief, Petitioner is

entitled to no relief for the reasons set forth in the Magistrate Judge's Recommendation and adopted herein. As noted, Petitioner cannot now disavow his sworn testimony that counsel explained to him all of the elements of his charges, the nature of his charges, the contents of his plea agreement, and any defenses. In short, Petitioner has failed to meet his burden in this matter and demonstrate any merit to any of his claims, either as initially set out, or as set forth in his objections or supplementation.

IT IS THEREFORE ORDERED Petitioner's motion to supplement (ECF No. 14) is GRANTED. The court has considered Petitioner's supplementation and concluded that it entitles Petitioner to no relief.

IT IS FURTHER ORDERED that Respondent's motion for summary judgment (ECF No. 4) is GRANTED, the Petition (ECF No. 1) is DENIED, and that this action is DISMISSED with prejudice. A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 17th day of February, 2017.

/s/ Loretta C. Biggs
United States District Judge